

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated December 11, 2003. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 1-5 and 11-14 are under consideration in this application. Claims 1-5, 11 and 13 are being amended, as set forth above and in the attached marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim Applicants' invention.

Additional Amendments

The claims are being amended to correct formal errors and/or to better disclose or describe the features of the present invention as claimed. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejections

Claims 1-5 and 11-14 were rejected under 35 U.S.C. 102(e) as being anticipated by .S. Pat. No. 6,617,265 to Tanaka (hereinafter "Tanaka"). This rejections has been carefully considered, but is most respectfully traversed.

The photomask for KrF excimer laser lithography (E.g., Fig. 1) of the invention, as now recited in claim 1, has a shade film 107 which comprises a photosensitive polymer layer formed in a desired pattern on a quartz glass substrate, wherein the polymer layer is photosensitive to an electron beam, and the transmittance of the KrF excimer laser beam by the polymer layer (1) is 1% or less (claim 1); or (2) ranges from 2% to 16% (claim 3). In other words, the shade film 107 comprises one polymer layer which is not only photosensitive to an electron beam, but also opaque (or translucent) to a KrF excimer laser beam, i.e., ONE "dual-function" layer. Since the opaque pattern (or the translucent pattern) of photomask for KrF excimer laser lithography is formed directly by the developing treatment, *"the etching step for the shade film or the removing step for the resist are no longer necessary, and it is possible to reduce cost, improve the dimensional accuracy, and reduce the defects on the photomask (p. 34, lines 10-14)"*.

Tanaka fails to teach or suggest such a “*dual-function*” layer. In contrast, the opaque pattern 2a (or the half-tone pattern 2b) of Tanaka is specifically provides with TWO layers, i.e. a photo-absorptive organic layer 3a (allegedly absorbing KrF excimer laser beams) and an e-beam sensing type resist layer 4a (col. 9, lines 21-25; Fig. 1). The resulted dimensional accuracy in Tanaka is worse than this invention due to the etching step for the photo-absorptive organic layer 3a by using the resist layer 4a as an etching mask (Figs. 2(c), 4(c), 6(e), 7(d), and (d)).

Further more, it is well established that a rejection based on cited references having principles that teach away from the invention is improper. Tanaka teaches away from the invention by deliberately provide the two layers to serve two functions, rather than one layer to serve both functions.

Accordingly, Applicants contend that the cited conflicting teachings of the prior art references would not motivate their combination such that their combination would embody each and every feature of the present invention as now claimed in claims 1 and 3, and from which claims 2, 4-5, 11-14 depend. The difference is more than sufficient that the present invention as now claimed would not have been rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

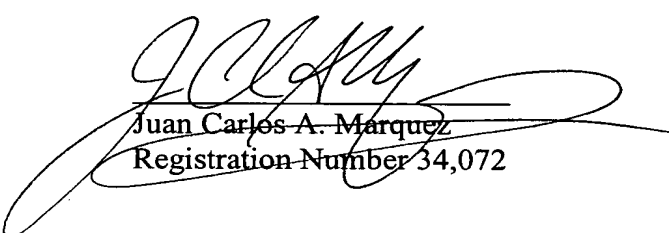
In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of

the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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